

LAS VEGAS POLICE DEPARTMENT	ADMINISTRATION
SUBJECT: <i>Constitutional Requirements</i>	NUMBER: 4
EFFECTIVE DATE: <i>9 September 2010</i>	REVIEW DATE:
AMENDS/SUPERSEDES:	APPROVED: Chief of Police Gary Gold
NMMLEPSC STANDARDS: ADM.02.02	NMSA: Supreme Court of the United States 392 U.S. 1, 88 S.Ct. 1868

I. **PURPOSE:**

The purpose of this policy is to ensure the efficient and effective management of the Miranda warning function by providing administrative guidance that identifies the responsibilities and Constitutional Requirement processes within the uniform and all other components of the department.

II. **POLICY:**

It is the policy of the Las Vegas Police Department to manage the function of the Constitutional Requirements in an effective manner by coordinating the efforts of uniform and other investigative organizational components as provided in this policy.

III. **APPLICABILITY:**

Applies to all employees of the Las Vegas Police Department

IV. **REFERENCES:**

- A. **Miranda V. Arizona (1966)**
- B. Supreme Court of the United States 392 U.S. 1, 88 S.Ct. 1868

IV. **DEFINITIONS:**

- A. None

VI. PROCEDURE:

A. To ensure compliance with all applicable constitutional requirements.

1. Interviews and interrogations will be conducted in compliance with the requirements of Miranda, when applicable.
2. All persons' access to counsel will be conducted in compliance with the requirements of Miranda, when applicable.
3. All persons or property subject to search and seizure will be in compliance with the United States Constitution.
4. Terry vs. Ohio, (Supreme Court of the United States 392 U.S. 1, 88 S.Ct. 1868) as defined by New Mexico Supreme Court, will govern all stop and frisk contacts conducted by the Las Vegas Police Department.
5. Officers must give the arrestee their Miranda Right during a custodial interrogation and when informed that their statement(s) given may be used against them in a court of law.

B. The Las Vegas Police Department will provide all safeguards in assuring that non-English speaking and hearing impaired persons are protected in a manner that is clearly understood whenever constitutional issues become apparent through the use of qualified interpreters.

VII. ATTACHMENTS:

A. Miranda Warning Statement

Las Vegas Police Department
Las Vegas, New Mexico

CONSTITUTIONAL RIGHTS FORM

Name of Person Interviewed: _____
Last _____ First _____ MI _____

Place of Interview: _____

Address: _____ Date of Interview: _____

Date of Birth: _____ Social Security No. _____

Time (Start) _____ Time (End) _____

Reason for Questioning: _____

Before we ask you any questions, you must understand your Constitutional Rights:

1. You have the right to remain silent. _____
2. Anything you say can be used against you in Court of Law. _____
3. You have the right to talk to an Attorney for advice before we ask you any questions and to have him/her with you here during questioning. _____
4. If you cannot afford an Attorney, one will be provided to you by a District Judge. _____
5. If you decide to answer questions now, without an Attorney present, you will have the right to stop answering at any time. _____

WAIVER OF RIGHTS

I have read this statement of my rights and understand what my rights are.
I am willing to make a statement and answer questions. I do not want an Attorney at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Interviewing Officer _____

Signature of person Interviewed _____

Witness _____

Witness _____

Refusal The above listed suspect has declined to answer any questions until counsel is appointed.

Interviewing Officer: _____